

EDWIN BARTLETT.

[To accompany bill H. R. No. 422.]

MAY 24, 1842.

Mr. STUART, of Virginia, from the Committee on Foreign Affairs, submitted the following

REPORT :

*The Committee on Foreign Affairs, to whom was referred the petition of Edwin Bartlett, report :*

The petitioner was the consul of the United States at Lima, Peru, on the 25th of January, 1838, when the office of chargé d'affaires of the United States at that Government became vacant by the death of Mr. Thornton. In consequence of this event, it became necessary for the petitioner to discharge the duties of chargé d'affaires in the interval which occurred between the death of Mr. Thornton and the arrival of his successor, Mr. Pickett. He accordingly notified the Government of the United States of his intention ; and, having received the sanction of the Executive, he continued to discharge the duties of chargé until the arrival of Mr. Pickett, on 30th January, 1840, in a manner entirely acceptable to the Government. He now asks to be allowed the salary of a chargé d'affaires during the period he discharged the duties of that office. The committee are of the opinion that the claim is a just one. Many similar demands have been allowed and paid, to Washington Irving, John Randolph Clay, Michael Hogan, G. W. Slacum, and probably others ; and your committee presume that this claim would have been paid, had it not been for a scruple expressed by President Jackson as to the power of the Executive to make such an allowance to a person not regularly nominated, approved, and commissioned as chargé d'affaires. Until the period of President Jackson's administration, it was the practice of the Executive to make similar allowances out of the contingent fund for the diplomatic service. But, since he expressed doubts as to the power of the Executive to give the proper relief, the claimants are compelled to resort to Congress for special appropriations. The committee are of the opinion that the settlement of such claims more properly belongs to the Executive than the Legislative branch of the Government, and that a law should be enacted conferring the power on that department, if it does not already possess it ; but as it would be unjust to subject the petitioner to the delay of his claim, which might result from compelling him to await the enactment of a general law on the subject, they herewith report a bill for his relief.

EDWIN HARTLEY

REPORT

Submitted on Foreign Affairs to which was referred the petition of  
Edwin Hartley

The petitioner was the consul of the United States at London from the  
1st of January, 1832, when the office of charge of affairs of the United States  
was first Government business was by the State of the United States  
consequence of this event it became necessary for the petitioner to  
the duties of charge of affairs in the interval which occurred between  
the death of Mr. Thompson and the arrival of the new consul at London.  
The petitioner notified the Government of the United States of his  
and having received the sanction of the Government he continued to  
perform the duties of charge until the arrival of Mr. Pickens on the  
24th of January, 1840, in a manner entirely acceptable to the Government. He  
was to be allowed the salary of a charge of affairs during the interval  
he discharged the duties of that office. The committee on the subject  
of the claim is a just one. Many similar claims have been allowed  
to Washington Irving, John Randolph, Elias H. Johnson, Thomas  
W. Sherman, and probably others; and your committee, without  
hesitation would have been paid, had it not been for a scruple existing in  
President Jackson as to the power of the Executive to make such an al-  
lowance to a person not regularly nominated, approved, and commissioned  
a charge of affairs. Until the period of President Jackson's adminis-  
tration was the practice of the Executive to make similar allowances out of  
a contingent fund for the diplomatic service. But since he expressed  
his assent to the power of the Executive to give the proper fees, the com-  
mittee are of the opinion that the settlement of such claims more prop-  
erly belongs to the Executive than the Legislative branch of the Govern-  
ment, and that a law should be enacted conferring the power on that  
body. It does not already possess it; but as it would be unjust to  
leave the petitioner to the delay of his claim, which might result in  
his being unable to secure the enactment of a general law on the subject.